IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.542 OF 2005
IN
FIRST APPEAL NO.59 OF 2006

Malan Pandurang Lande ...Applicant
vs.
Ramesh Dayaram Shitole and ors. ...Respondents

Mr.Yogesh Dandekar i/b Mr.K.S.Dewal for the Applicant

CORAM: A.S.OKA,J.
DATE : JANUARY 25,2007.

P.C.:

1. Heard Advocate for the Applicant. The first and second Respondents are the original plaintiffs in whose favour the impugned Decree for specific performance has been passed. None appears for the first and second Respondents. A reply filed by the first Respondent is on record. The decree for specific performance will have to be stayed as the Appeal is admitted for final hearing. The second prayer in the Application is for injunction. In the Affidavit-in-reply filed by the first Respondent, it is admitted that the first and second Respondents are not in possession of the suit property. Hence, it is not necessary to grant any relief in terms of the prayer (b) at this stage.

2. Civil Application is disposed of by passing the following order:

i)Till final disposal of the Appeal, the execution and operation of the decree for specific performance shall remain stayed subject to the condition that the Applicant will not create any third party interests in respect of the suit property.

ii)No order as to costs.

JUDGE